

## **REMARKS**

### **Introduction**

Claims 1 - 19 were originally pending in this application. Claims 1 and 4 have been amended. Claims 9-19 have been withdrawn from consideration by the Examiner pursuant to 37 CFR 1.142(b). Claim 3 has been cancelled by way of this Amendment. No new matter has been added. Thus, claims 1, 2 and 4-8 remain in this application.

### **Claim Rejections**

#### **35 U.S.C. § 112, Second Paragraph**

Claims 1 - 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant respectfully traverses this rejection. However, in the interests of expediting prosecution of the instant application, and without admission that any amendment is necessary, the Applicant has amended claim 1 to clarify the allegedly indefinite language. Accordingly, the Applicant contends that the §112, second paragraph, rejection of claims 1 - 8 has been overcome.

#### **35 U.S.C. § 102(b)**

Claims 1 - 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Moffitt et al. '324 patent. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Independent claim 1 has been amended to more particularly describe the invention. Applicant respectfully submits that the invention described in independent claim 1, as amended, is neither disclosed nor suggested by the Moffitt et al. '324 patent. Accordingly, this rejection is respectfully traversed.

### **35 U.S.C. §103**

In addition, claims 1-8 were rejected under 35 U.S.C. § 103 as being obvious and therefore unpatentable over the Moffitt et al. '324 patent. Claims 2 and 4 - 8 are ultimately dependent upon independent claim 1. Independent claim 1 has been amended to more particularly describe the invention. In view of these amendments, applicant cannot agree that the invention defined in claims 1-8 would have been obvious in view of the Moffitt et al. '324 patent. Accordingly, this rejection is respectfully traversed.

### **The Prior Art**

#### **The Moffitt et al. '324 Patent**

The Moffitt et al. '324 patent discloses a method of securing decorative insert to underlying plastic skin for trim panel. The method taught by the Moffitt et al. '324 patent first provides a perform. The perform is defined as the combination of an insert 26 secured to a coverstock or cover material. Fig.1. Specifically, the insert 26 is secured to the side of the coverstock or skin material 32 that will define the class-A side of the trim panel. More specifically, the skin material 32 provides the class-A for the entire trim panel, but for the portion used to secure the insert 26. (Column 2, lines 44-51). Once this perform 35 is formed, it is transferred into a mold tool 36 having a tuck blade 38 and foam 50 is injected behind the skin 32 to complete the trim panel 51. (Column 2, lines 1-3). During injection of the foam 50, the Moffitt et al. '324 patent specifically advocates that the bond between the insert 26 and the skin 32 is not exposed to the foam 50. (Column 1, lines 65-67).

However, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly where the formed rigid substrate defines the class-A side of the

trim panel assembly. Moreover, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly where the class-A side of the trim panel assembly is formed by injecting a thermoplastic material into a mold cavity. Furthermore, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly where the contact surface of the trim panel component is bonded to the substrate, as required by independent claim 1, as amended.

### **The Present Invention**

In contrast to the Moffitt et al. '324 patent and the remaining references of record in this case, the present invention, as defined in independent claim 1, is directed toward a method of manufacturing an interior trim panel assembly having integrated trim panel components. The method includes providing a die including a pair of die halves cooperating to define a mold cavity to form a interior trim panel where at least one of the die halves includes a surface defining an A-surface within the mold cavity and a plurality of recesses having a predetermined shape. The method further includes placing at least one trim panel component having a contact surface into a corresponding recess within the mold cavity and closing the die halves. Next, the method includes forming a rigid substrate having an A-side surface visible to the interior of a vehicle when secured to a vehicle door by injecting a molten thermoplastic material having a predetermined pressure less than the maximum clamp pressure of the die into the mold cavity so as to fill the mold cavity. The method further includes bonding the molten thermoplastic material to the contact surface of the trim panel component within the mold cavity while the rigid substrate is formed.

### **Argument**

Applicant respectfully submits that the method of manufacturing a trim panel assembly for the interior of a vehicle having integrated trim panel components defined in independent claim 1 is not disclosed or suggested by the Moffitt et al. '324 patent. More specifically, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly that forms a *rigid substrate having a class-A side* by injecting molten thermoplastic into a mold cavity. Furthermore, Moffitt et al. includes no teachings concerning a method of forming *a rigid substrate that defines the class-A side of the trim panel assembly*. Likewise, there is nothing in the Moffitt et al. patent that advocates bonding the contact surface of a trim panel component to the rigid substrate as it forms, as required by independent claim 1, as amended. For these reasons, the applicant respectfully submits that the rejection under §102 should be withdrawn.

On the other hand, a rejection based on §103 must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Here, it is respectfully submitted that the Moffitt et al. '324 patent skirts around, but does not suggest the claimed invention *as a whole*. See Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1383 (Fed. Cir. 1986). In fact, the Moffitt et al. method of manufacturing a trim panel assembly is fundamentally different from the present invention as defined in independent claim 1, as amended. Specifically, the method disclosed by Moffitt et al. trim panel assembly includes providing a coverstock to define the class-A side while the method of the present invention defines the class-A side of a trim panel assembly within the rigid substrate formed by injecting thermoplastic material into a mold cavity. Thus, it is respectfully submitted that the Examiner is picking and choosing elements from the dissimilar method disclosed in the Moffitt et al. '324 patent, adding other elements that are missing from the disclosure and restructuring the Moffitt et al. method, using

hindsight and the applicant's own disclosure, to conclude that the claimed invention is obvious. This is improper. There is a fundamental axiom in patent law that if a reference must be reconstructed or rearranged to change its operation to meet the applicant's claim, that modification of the reference is inappropriate and cannot stand.

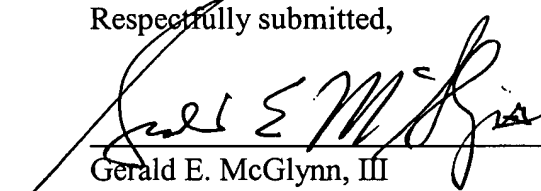
There is simply no motivation provided in the Moffitt et al. '324 reference to include the step of injecting a thermoplastic material to form a rigid substrate that defines the class-A side during the manufacture of a trim panel assembly. Similarly, there is no suggestion provided in the Moffitt et al. patent to form a rigid substrate having a class-A side where the contact surface of a trim panel component is bonded thereto as the substrate forms. In view of the above, it is respectfully submitted that independent claim 1 is neither disclosed nor suggested by the prior art and is patentably distinguishable from the subject matter of the reference discussed above. It is further submitted that the disclosures of the Morrison et al. '251, Smith '233, Smith et al. '438, and Jones et al. '130 patents do not make up for the deficiencies of the Moffitt et al. '324 patent. Rather, the disclosures of each of these references would have to be improperly modified to meet the limitations of independent claim 1, as amended.

Claims 2 and 4- 8 are all ultimately dependent upon independent claim 1 and add further perfecting limitations. As such, the cited prior art reference and those on record do not suggest the subject invention. However, even if they did, they could only be applied through hindsight after restructuring the disclosure of the prior art in view of applicant's invention. A rearrangement of the teachings described in these references to derive applicant's invention would, in and of itself, be an invention.

**Conclusion**

In view of the above, applicant respectfully submits that the claims, as amended, clearly distinguish over the prior art and are therefore allowable. Accordingly, applicant respectfully solicits the allowance of the claims pending in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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